

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

IRON WORKERS' MID-AMERICA	)	
PENSION PLAN, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	CIVIL ACTION
vs.	)	
	)	NO. 18 C 4124
SECURITY FENCE CO., INC.,	)	
a dissolved Illinois corporation, and	)	JUDGE JOHN Z. LEE
	)	
JEFFREY H. COLE, d/b/a SECURITY	)	
FENCE CO., INC.,	)	
	)	
Defendants.	)	

**JUDGMENT ORDER**

This matter coming on to be heard upon the Motion of Plaintiffs, by their counsel, it appearing to the Court that the Defendants, SECURITY FENCE CO., INC., a dissolved Illinois corporation, and JEFFREY H. COLE, d/b/a SECURITY FENCE CO., INC., having been regularly served with process and having failed to appear, plead or otherwise defend, and default of said Defendants having been entered on August 14, 2018, the Court, first being fully advised in the premises and upon further evidence submitted herewith, FINDS:

1. It has jurisdiction of the subject matter herein and of the parties hereto.
2. The Defendants are bound by the terms of the collective bargaining agreement referred to in Plaintiffs' Complaint.
3. The Defendants are obligated to report and pay contributions to each of the Plaintiff Funds on behalf of bargaining unit employees in accordance with the collective bargaining agreement.

4. The Defendants are bound by all the terms and conditions set forth in the Agreements and Declarations of Trust governing the Plaintiff Funds.

5. On August 14, 2018, Plaintiffs' Motion for Entry of Default and for an Order Directing Defendants to Turn Over Monthly Fringe Benefit Contribution Reports was granted.

6. On or about August 15, 2018, Defendants submitted monthly fringe benefit contribution reports for the period January 2018 through July 2018, pursuant to the Court's Order entered on August 14, 2018, and remitted payment of the fringe benefit contributions due thereon.

7. Due to the untimely payment of the fringe benefit contributions due from Defendants for the period January 2018 through July 2018, Plaintiff Funds assessed liquidated damages against the Defendants in the total amount of \$502.56.

8. Plaintiffs are entitled to audit the payroll books and records of Defendant Security Fence Co., Inc. to verify the accuracy of the monthly reports referred to herein and to determine what additional amounts may be due and owing to Plaintiffs.

9. Defendants have failed to timely pay all amounts required to be made to the Plaintiff Funds. Accordingly, as provided in the Agreements and Declarations of Trust governing the respective Funds, 29 U.S.C. §1132(g)(2) and 28 U.S.C. §1961, Plaintiffs are entitled to recover:

- (a) liquidated damages and interest on all contributions paid late or remaining unpaid;
- (b) the cost of auditing the payroll books and records of Defendant Security Fence Co., Inc.;
- (c) the costs and expenses of the Trustees, including their reasonable attorneys' fees;
- (d) post-judgment interest; and
- (e) costs and attorneys' fees incurred in executing on, or otherwise collecting, this judgment.

10. Plaintiffs have incurred costs totaling \$446.00 and reasonable attorneys' fees totaling \$1,314.00.

12. There is no just cause for delay in the entry of a Judgment Order as to the sum of \$2,262.56 owed to the Plaintiffs from Defendants.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

A. That Plaintiffs recover from the Defendants, SECURITY FENCE CO., INC., a dissolved Illinois corporation, and JEFFREY H. COLE, d/b/a SECURITY FENCE CO., INC., the sum of \$502.56 for liquidated damages.

B. That Plaintiffs recover from the Defendants, SECURITY FENCE CO., INC., a dissolved Illinois corporation, and JEFFREY H. COLE, d/b/a SECURITY FENCE CO., INC., the sum of \$446.00 for their costs and \$1,314.00 as and for Plaintiffs' just and reasonable attorneys' fees.

C. That Plaintiffs recover from the Defendants, SECURITY FENCE CO., INC., a dissolved Illinois corporation, and JEFFREY H. COLE, d/b/a SECURITY FENCE CO., INC., the total sum of **\$2,262.56**, plus post-judgment interest on said amount at the rate required by 28 U.S.C. §1961.

D. That Plaintiffs are awarded their costs and attorneys' fees to execute on, or otherwise collect this judgment.

ENTER: 9/13/18

A handwritten signature in black ink, appearing to read "John Z. Lee", written in a cursive style.

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John Z. Lee  
UNITED STATES DISTRICT JUDGE